

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DALONTE WHITE,)	CASE NO. 1:17-cv-01165-PAB
)	
Plaintiff)	JUDGE PAMELA A. BARKER
)	
v.)	
)	DECLARATION OF
CITY OF CLEVELAND, et al.,)	ELENA N. BOOP
)	
Defendants)	

1. I am an adult who is competent to make this declaration pursuant to 28 U.S.C.A. § 1746 and I have first-hand knowledge of the facts set forth herein.

2. I am one of the attorneys for Defendants Thomas Shoulders, Michael Schade, John Kubas, Robert Beveridge, and David Santiago Jr. in the above-captioned action.

3. On January 17, 2020, Plaintiff's counsel Brian Bardwell sent an e-mail to counsel of record, stating "My best estimate right now is that my experts may not have their reports to me until later this evening, when I'm supposed to be camping with my daughter somewhere in Pennsylvania, without access to e-mail, etc. Unless you were planning to spend the long weekend curled up with them, does anyone object to me sending them when I get back? I'll of course transmit anything that comes through before then." Based on these representations, defense counsel consented to the extension to provide expert reports on January 21, 2020. Attached hereto as Exhibit A-1 is the e-mail exchange among counsel, dated January 17, 2020.

EXHIBIT
A

4. On January 21, 2020, defense counsel received Plaintiff's expert reports, including a one-page, two-paragraph report of Peter J. Geier, dated January 19, 2020. The January 19, 2020 report includes conclusory opinions of Peter J. Geier without stating the basis for the opinions; it fails to detail the facts or data considered by the witness; it fails to state the witness's qualifications, including a list of publications authored within last 10 years; it fails to state a list of all cases in which the witness had been deposed or testified in the last 4 years; and it fails to include a statement of compensation to be paid for the study and testimony in this case. The report states that Dr. Geier is planning to meet with Plaintiff on January 22, 2020.

5. On January 29, 2020, at 4:38 p.m., the undersigned received an e-mail correspondence from Plaintiff's counsel with attached "supplemental information" for Dr. Geier. The attachment included a 13-page report from Dr. Geier, dated January 29, 2020.

6. At no time did Plaintiff seek an extension beyond January 21, 2020 to submit supplemental or additional expert reports, and no such extension was given by the undersigned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2020.

/S/ Elena N. Boop

Signed, Elena N. Boop (0072907)

Boop, Elena

From: Brian Bardwell <brian.bardwell@chandraLaw.com>
Sent: Friday, January 17, 2020 3:09 PM
To: Kathryn Miley
Cc: Puin, Timothy; Pike, Michael; Boop, Elena; Keefer, Katherine; Kretch, Wesley; Ernest L. Wilkerson, Jr.
Subject: Re: Expert reports

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Excellent. Thanks, everyone.

Brian D. Bardwell
The Chandra Law Firm LLC
The Chandra Law Building
1265 West Sixth Street, Suite 400
Cleveland, OH 44113-1326
216-578-1700
brian.bardwell@chandraLaw.com
www.chandraLaw.com

On Fri, Jan 17, 2020 at 3:08 PM Kathryn Miley <kmmiley@wilkersonlpa.com> wrote:

We agree with Tim. Have a nice weekend.

From: Brian Bardwell <brian.bardwell@chandraLaw.com>
Sent: Friday, January 17, 2020 3:07 PM
To: Puin, Timothy <tpuin@city.cleveland.oh.us>
Cc: Pike, Michael <MPike@city.cleveland.oh.us>; Boop, Elena <EBoop@city.cleveland.oh.us>; Keefer, Katherine <KKeefer@city.cleveland.oh.us>; Kretch, Wesley <WKretch@city.cleveland.oh.us>; Ernest L. Wilkerson, Jr. <ewilkerson@wilkersonlpa.com>; Kathryn Miley <kmmiley@wilkersonlpa.com>
Subject: Re: Expert reports

Any objections from Elena or Kate?

Brian D. Bardwell

The Chandra Law Firm LLC

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1265 West Sixth Street, Suite 400

Cleveland, OH 44113-1326

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brian.bardwell@chandraLaw.com

www.chandraLaw.com

On Fri, Jan 17, 2020 at 1:38 PM Brian Bardwell <brian.bardwell@chandraLaw.com> wrote:

Thanks, Tim. I'll be back in on Tuesday.

Brian D. Bardwell

The Chandra Law Firm LLC

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1265 West Sixth Street, Suite 400

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216-578-1700

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On Fri, Jan 17, 2020 at 1:34 PM Puin, Timothy <tpuin@city.cleveland.oh.us> wrote:

Brian,

Assuming you will be back by early next week, that is fine with us (as long as a reciprocal courtesy will be available to defendants if needed).

Have a safe trip,

Tim Puin



Timothy J. Puin

Assistant Director of Law

City of Cleveland

601 Lakeside Ave., Room 106

Cleveland, Ohio 44114-1077

(216) 664-2807/ Fax (216) 664-2663

tpuin@city.cleveland.oh.us

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From: Brian Bardwell [<mailto:brian.bardwell@chandalaw.com>]

Sent: Friday, January 17, 2020 12:11 PM

To: Puin, Timothy; Pike, Michael; Boop, Elena; Keefer, Katherine; Kretch, Wesley; Ernest L. Wilkerson, Jr.; Kathryn

Miley

Subject: Expert reports

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Hi, all.

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Unless you were planning to spend the long weekend curled up with them, does anyone object to me sending them when I get back? I'll of course transmit anything that comes through before then.

Thanks,

--Brian

Brian D. Bardwell

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